

**FILED**

BEFORE THE DEPARTMENT OF INSURANCE  
STATE OF NEBRASKA

AUG 25 2006

NEBRASKA DEPARTMENT  
OF INSURANCE

IN THE MATTER OF THE DENIAL OF  
APPLICATION FOR LICENSE FOR  
ROBERT C. LILES

) CAUSE NO.: A-1677  
)  
) FINDINGS OF FACT,  
) CONCLUSIONS OF LAW,  
) RECOMMENDED ORDER  
) AND ORDER  
)

This matter came on for hearing on the 24<sup>th</sup> day of August 2006, before Christine Neighbors, a hearing officer duly appointed by the Director of the Nebraska Department of Insurance. The matter arises out of a denial of an application for a resident insurance producer license. The Department of Insurance ("Department") was represented by its attorney, Janette Adair. Robert C. Liles ("Applicant") was present and was not represented by counsel. The proceedings were tape recorded by Tracy Gruhn, a licensed Notary Public. Applicant and the Department presented evidence and testimony at the hearing. Cathy Hoban provided testimony on behalf of the Department. The matter was taken under advisement. The hearing officer hereby makes the following Findings of Fact, Conclusions of Law, and Recommended Order.

FINDINGS OF FACT

1. The Department is the agency of the State of Nebraska charged with licensing insurance producers.
2. On or about August 1, 2006, Applicant applied for a resident insurance producer license as evidenced by Exhibit 5. Applicant reported that he had been convicted of two misdemeanors while living in the State of Texas. The first conviction was on or about August 2002 for possession of marijuana. The second conviction was on

or about January 2004 for unlawfully carrying a firearm. Each conviction resulted in Respondent paying a fine.

3. On or about August 5, 2006, Cathy Hoban, Acting Licensing Administrator for the Nebraska Department of Insurance, notified Applicant that his application for an insurance producer's license was denied based upon *Neb. Rev. Stat.* §44-4059(1)(f) for having been convicted of a felony or Class I, II or III misdemeanor. (Ex. 4).

4. On or about August 9, 2006, Applicant requested a hearing to appeal the Department's denial for an insurance producer's license. (Ex. 3).

5. If granted a license, Applicant will be employed with the John Akers Agency for American Income Life Insurance Company as an insurance salesperson. Applicant completed his prelicensing education, passed the licensing examination, and had completed training at the Akers Agency when notified of the license denial.

6. Applicant testified about the circumstances surrounding his misdemeanor convictions and provided a written statement included in Exhibit 5. Applicant testified that in August 2002, while living in Texas and working as a construction project manager, he was stopped by police for speeding while transporting employees and their luggage to a job location. He granted permission for the police officer to search the vehicle and one ounce of marijuana was found in an employee's bag. Both the employee and Applicant were ticketed for possession of marijuana. As a result, Applicant pled no contest and paid a fine.

7. Applicant further testified that on or about January 2004, also while living in Texas and employed as a construction project manager, he was responsible for

traveling to job locations throughout the State of Texas in the larger cities. As a result, he carried an unloaded firearm in the locked portion of his truck bed for protection. During a traffic stop for speeding, the police officer asked to search the vehicle. Applicant granted permission and was ticketed for unlawfully carrying a firearm. Applicant pled no contest and paid a fine. Subsequently, Applicant discovered a Texas law that allows a person traveling in Texas to carry a gun if certain requirements are met. Although Applicant believes the travel for his job would meet said requirements, he had pled no contest to the misdemeanor and believed it was too late to change his plea.

8. In support of the application, Applicant provided a letter from his former employer, ForesTech, LLC, in Longview, Texas, (Ex. 1), and a letter from John Akers of the John Akers Agency, in Omaha, Nebraska, (Ex. 2).

9. The granting of a license by the Department is based upon the truth and veracity of the facts disclosed in the application, the testimony given and the evidence introduced into the record at the hearing. The hearing officer finds Applicant to be a credible witness and worthy of a license.

#### CONCLUSIONS OF LAW

1. The Department has broad jurisdiction, control and discretion over the licensing of insurance producers to sell insurance in the State of Nebraska pursuant to *Neb. Rev. Stat.* §44-101.01 and §44-4047 *et seq.*

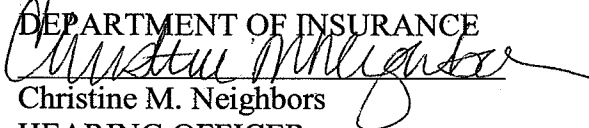
2. The Department has personal jurisdiction over Applicant.

3. These misdemeanor convictions do not constitute a sufficient basis for denying Applicant a resident insurance producer license pursuant to *Neb. Rev. Stat.* §44-4059(1)(f).

RECOMMENDED ORDER

Based on the Findings of Fact and Conclusions of Law, it is recommended to the Director of Insurance that the Director approve Applicant's request for licensing as a resident insurance producer.


Dated this 25<sup>th</sup> day of August, 2006.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE  
  
Christine M. Neighbors  
HEARING OFFICER

CERTIFICATE OF ADOPTION

I have reviewed the foregoing Findings of Fact, Conclusions of Law, and Recommended Order and hereby certify that the Recommended Order is adopted as the official and final Order of the Department In The Matter of the Denial of Application For License For Robert C. Liles, Cause No.: A-1677.

Dated this 25<sup>th</sup> day of August, 2006.

STATE OF NEBRASKA  
DEPARTMENT OF INSURANCE  
  
L. TIM WAGNER  
Director of Insurance

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Findings of Fact, Conclusions of Law, Recommended Order, and Order was served upon the Applicant by mailing a copy to Applicant at 4305 N. 1<sup>st</sup> Street, #326, Lincoln, NE 68521, by certified mail, return receipt requested, on this 28<sup>th</sup> day of August, 2006.

